

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN KATHLEEN GALVIN-HALCRO**, on March 16, 2005 at 3:00 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Kathleen Galvin-Halcro, Chairman (D)
Rep. Joan Andersen, Vice Chairman (R)
Rep. Gary Branae, Vice Chairman (D)
Rep. Edward B. Butcher (R)
Rep. Margaret H. Campbell (D)
Rep. Tim Dowell (D)
Rep. Wanda Grinde (D)
Rep. Roger Koopman (R)
Rep. Bob Lake (R)
Rep. Joe McKenney (R)
Rep. Holly Raser (D)
Rep. Scott Sales (R)
Rep. Jon Sonju (R)
Rep. Dan Villa (D)
Rep. John Ward (R)
Rep. Jeanne Windham (D)

Members Excused: None.

Members Absent: None.

Staff Present: Chris Lohse, Legislative Branch
Eddie McClure, Legislative Branch
Nina Roatch-Barfuss, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 522, 3/14/2005
Executive Action: HB 522

HEARING ON HB 522**Sponsor: REPRESENTATIVE WILLIAM JONES, HD 9, Kalispell****Opening Statement by Sponsor:**

REP. WILLIAM JONES, opened the hearing on **HB 522**, which was a study design of a state dental program. He related to the Committee that he was a dentist and had gone to the University of Washington on the Western Interstate Compact for Higher Education Program (WICHE). His son is a dentist and attended the University of Minnesota on the WICHE program. He felt the support the State of Montana had given professional students was very important and appreciated. He affirmed the dentists perform a large quantity of volunteer service. The bill would represent a great amount of future volunteer service by dentists. The bill calls for a study. Montana had been invited by the University of Washington to participate in a plan. The University of Washington in combination with Montana State University and Montana Dental Association are trying to solve a problem for Montana, which is a shortage of dentists. The problem is critical for Eastern Montana. The dentist population is aging. The members involved with the plan started meeting a year ago in April with volunteers from the Dental Association, the University of Washington, and Montana State University. The study will cost approximately \$150,000. The Study Group is asking \$10,000 from the State of Montana. The hope is that in the future there will be a situation where the Montana students will be able to take their first year of dental school at Montana State University, complete their dental education at the University of Washington followed by clinical training in offices in Montana under the supervision of Montana dentists. The hope is that when the dentists are training in Montana communities, they will form relationships and bonds which would create a desire to return to Montana and make it their homes.

EXHIBIT (edh58a01)**Proponents' Testimony:**

Mary McCue, Executive Director, Montana Dental Association, rose in support of the bill and presented written testimony.

EXHIBIT (edh58a02)

Keith Colbo, Montana Primary Care Association (MPCA), which represents community health centers across the State of Montana. He felt that dental care in the primary care setting is very important and that it is very difficult for community health

centers to attract and retain qualified dental practitioners.
For that reason MPCA endorsed **HB 522**.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 8.3}

Opponents' Testimony: None

Informational Testimony:

Laurie Tobol, representing the Montana Commissioner of Higher Education's Office, announced she was present to answer any questions and provide information the Committee might need.

Questions from Committee Members and Responses:

REP. WARD requested information from **REP. JONES** as to the total cost of the study. **REP. JONES** informed him that he had been told the total cost was in the nature of \$150,00. **REP. JONES** referred the question to the informational witness and **Ms. Tobol** verified he was correct.

Closing by Sponsor:

REP. JONES wished to point out that the amendments made the bill more friendly. He felt they were necessary since Montana was asked for \$10,000 and that amount was small compared to the total cost of the plan. The bill would ask for a report back to the 2007 Legislative Session. The original wording in the bill was "demand," rather than "ask."

EXECUTIVE ACTION ON HB 522

Motion: **REP. CAMPBELL** moved that **HB 522 DO PASS**.

Motion: **REP. CAMPBELL** moved that **HB 522 BE AMENDED**.

Discussion:

REP. BUTCHER suggested that, because the bill was a study proposal, there should be provisions for the dentist graduates to spend time in Montana working as dentists to kind of pay back the state for the opportunity they had been given.

Vote: Motion passed unanimously by voice vote. **REP. LAKE** and **REP. VILLA** voted by proxy.

Motion: **REP. CAMPBELL** moved that **HB 522 DO PASS AS AMENDED**.

Discussion:

REP. SALES felt he had to oppose the bill because he felt there were too many expensive studies. He felt if the study came back positive, he didn't know if Montana could afford its own dental program. He felt WICHE works well and there is a need to say that students participating in the program should have to come back and work in Montana and serve the State of Montana for a period of time after they receive taxpayer support. He felt there is a great amount of risk and he questioned spending the taxpayer's money.

REP. CAMPBELL testified in support of the bill. The Montana Dental Association had been kind enough to work with her community in Northeastern Montana to find a dentist for their area. It had taken two years for the search to be successful. She had not been aware of the shortage of dentists in rural Montana until she participated in the search. She notified the Committee that she had no problem with the bill or the amendments.

REP. GALVIN-HALCRO informed the Committee that clarification was needed on the bill. She believed the study was to set up a program similar to the Washington, Alaska, Montana, and Idaho (WAMI) program, not a dental program in the state. Presently, new doctors start their education in Montana and become associated with the University of Washington through WAMI. The bill is for a plan to create a similar program for dentists. Montana would not be seeking to create a dentistry program in the state.

REP. BUTCHER indicated that, for the past 16 years, his consultant business had worked with dentists. He reported that he was intimately aware of the dentist shortage in the country. Because some of the states have small populations and there are no state dental schools, it is very difficult for Montana to recruit dentists. He could see a lot of potential for the bill to encourage dentists into the state. He believed the WAMI program which requires doctors to spend time in practice and rotation in the state was a good program. He believed the bill was very important and would support it. In his opinion, the University of Washington has an excellent dental school. Montana would be connecting into a very good program if it can happen. Members of the medical profession make sizeable incomes and Montana would benefit from their taxes.

{Tape: 1; Side: A; Approx. Time Counter: 8.3 - 21.4}

REP. GALVIN-HALCRO relayed to the Committee that when she had attended a conference in Seattle, the bill had been discussed

along with how to get to get teachers and nurses into rural areas. All of the WAMI states were represented along with North Dakota. Every representative present at the conference had said that state kids need the education but they need to be brought back to rural areas in their state to do their internship dentistry. She felt it was important that Montana pay its fair share for the study. She would be supporting the bill.

Vote: Motion that HB 522 DO PASS AS AMENDED carried unanimously by voice vote. REP. VILLA and REP. LAKE voted by proxy.

EXECUTIVE ACTION ON SB 198

REP. GALVIN-HALCRO informed the Committee she would not recognize a motion to table the bill before a discussion had been held. She presented the Committee with her amendments to the bill. She felt her amendments would re-write the bill and get rid of concerns about the language in the bill.

EXHIBIT (edh58a03)

Motion: REP. BRANAE moved that SB 198 BE CONCURRED IN.

Motion: REP. BRANAE moved AMENDMENT SB019801 BE ADOPTED.

Discussion:

Eddye McClure conveyed that the amendments contained three or four "where as" clauses. Ms. McClure had researched past efforts of previous legislatures to address the problems in **HB 198**. Opponents of previous bills had said there was no need for the legislation because the actions requested in the bill were being taken without legislation. She had kept Section 1 of the bill and struck Sections 2 and 3 and wrote one section which has the policy and basically directs the Board of Public Education to have school districts adopt a policy. It narrowed down the definition of a harassment policy and made suggestions as to what should be in that policy.

Ms. McClure had been questioned by several Committee members as to whether the Committee could send such a message to the Board of Public Education. It had been done in the past. The amendments direct the Board of Public Education to adopt a policy on harassment, intimidation, or bullying on school property, at a school-sponsored function or on a school bus and sets requirements for each district's policy. Upon request, the Board of Public Education shall report to the Education and Local Government Interim Committee on how each school is implementing

the harassment policy and provide statistics on incidences and how they were handled in the individual school districts.

{Tape: 1; Side: A; Approx. Time Counter: 21.4 - 26}

REP. GALVIN-HALCRO explained to the Committee that in Great Falls there are only seven paragraphs in her school's harassment policy. She felt the students in her school behave and know where they can go to be safe. She had asked staff on the Democratic side to contact every school district represented by the Education Committee and ask them to fax or mail copies of their policy that they have in force. Thirty-nine districts were contacted and a response was received from 13 of the districts. Many had no policy and were not aware that the State Board of Education had a policy available to them. The State Board of Education had presented the same policy to the Education Committee two years ago as they had presented this year.

REP. GALVIN-HALCRO felt if there was one child in the state who was hurting and didn't know a safe place to go to get situations rectified, then the Board of Public Education needs to do something. That was her reason for asking for the amendments to the bill. She had gone to SEN. KITZENBERG and he had given his approval to her for the amendments. He wanted something to come back from the Board of Public Education to tell the legislators that the board has been out in the districts working with the folks who want to get something done. The board should be able to bring data to the interim committee as to what the districts are able to do and it will be up to the board to pay for training and provide any information that any district requests.

{Tape: 1; Side: A; Approx. Time Counter: 26 - 30}

{Tape: 1; Side: B}

REP. GALVIN-HALCRO wanted the districts to be free to create their own policy which would make every student feel safe in their district. She reminded the Committee that REP. KOOPMAN had told the House that people responding to his internet survey were concerned about safety. Her amendments were about safety for students and making it okay for them to go to school.

REP. WARD asked for a break in the meeting so that members of the Committee could study the amendments.

REP. GALVIN-HALCRO granted his request. She informed the Committee that each year in her school, they take a survey and the students are asked questions about behavior expectations -- whether they feel safe in the building, and at the bus stop, etc. The faculty keeps track of the survey and hopefully each year the school will get better at making the school a safe place for kids. She would like to see something similar to be done in all

schools and the information given to the Board of Public Education so that the board can bring the information back to the legislature.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.8}

REP. MCKENNEY requested information from the CHAIRPERSON. He had looked over his notes from the opponents during the bill hearing about Section 2. It appeared to him that her amendments had removed the language that had been opposed. **REP. GALVIN-HALCRO** announced that Section 2 of the original bill had been removed. The amendments do not include the "laundry list" that was in the original bill.

REP. DOWELL wished to talk about the "laundry list." Every year in his school when he talks about harassment, bullying, or intimidation, the students want to know what he is talking about. They don't understand. He finds it necessary to give an example. He believed a teacher has to develop his/her own "laundry list" to fit the situation. Students need to be shown. He believed the bullying problem should be about common sense but he knew it was not. Teachers need training and experience and re-learning experiences. It was his belief that bullying is alive and well in virtually any school in Montana.

{Tape: 1; Side: B; Approx. Time Counter: 3.8 - 9}

REP. KOOPMAN announced that he would support the amendment as he believed it improved the bill. He reiterated that his survey had indicated that safety was very important to people. He felt they were talking about physical safety. He didn't recall reading anything about bullying in the survey. The word had not been used. For him to be comfortable with the amendments and the bill, the bill would need to address physical harm only. He felt that most of the amendments dealt with issues that would be hard to create a definite definition for a student to understand. The situations would need to be dealt with individually by the school and parents. He had a problem with how schools would enforce the situations with teachers. He wondered if there should be language in the bill about teachers enforcing the wording in the bill. Again, he thought, the situations would need to be handled by individual schools and not legislation.

REP. GALVIN-HALCRO responded that each local district would be allowed to come up with its own policy. If the district needed help or training from the Board of Public Education, the amendments directed the board to help them and put the training in place by funding it.

{Tape: 1; Side: B; Approx. Time Counter: 9 - 16}

REP. SALES testified that he had a similar situation with a bill in a different committee where the amendments basically changed the entire bill content. The bill drafter in that case said the Committee could not re-write the bill like was being done to **HB 198**. He was wondering what kind of reaction the people who had attended the hearing of **HB 198** would have had to the proposed amendments. He was hesitant about voting for the "new bill," because he felt it had not had a hearing. He wanted to have a hearing and find out how people felt about the amendments.

REP. GALVIN-HALCRO suggested that the Committee adopt the amendments at the meeting and give the public a week to respond before executive action was taken on the bill as amended. She informed **REP. SALES** that **REP. ANDERSEN** had been to visit with the Code Commissioner, as **Ms. McClure** and **REP. GALVIN-HALCRO** had done as to whether the Committee could treat the bill as they were in the process of doing. She asked **REP. ANDERSEN** to respond.

REP. ANDERSEN replied that she had talked to the Code Commissioner and he had said that in his opinion the Committee could ask the Board of Education to meet the requirements requested in the amendments. She informed the Committee she did not talk to him about the legality of the situation. He said, "Some people could disagree with me."

Eddye McClure was asked to respond to **REP. SALES**. She announced she received the same assurance from the Code Commissioner.

REP. GALVIN-HALCRO informed the Committee that it was her intent to make the amendments the full content of the bill. That was why she had gone to **SEN. KITZENBERG** before she presented the amendments to the Committee. **SEN. KITZENBERG** said he will make no changes when the bill goes back to the Senate.

REP. SALES asked if there could be another bill hearing on the amendments.

The question was referred to **Ms. McClure**. **Ms. McClure** said that usually there is not more than one hearing for a bill.

REP. GALVIN-HALCRO said if the amendments were adopted and that information was put out to the general public, she would have no problem waiting until the last possible day to take executive action on the bill.

REP. SALES said this kind of bill is not good publicity for the legislature. Last session, he had heard a bill that was "a real piece of crud" and it was amended down to the point where it was benign and it was passed into statute. His constituents

questioned him because they thought the original bill had been passed. He believed the bill in question had the attention of a great many people and the opponents far out numbered the proponents. He would not be able to support the bill.

REP. DOWELL pondered about not taking executive action during the meeting and issuing an invitation for public comment on the bill to be heard on March 23, 2005.

Eddye McClure volunteered to put the amendments into a gray bill and put it out on the web.

{Tape: 1; Side: B; Approx. Time Counter: 16 - 25.9}

REP. SONJU informed the Committee that he concurred with **REP. DOWELL** and **REP. SALES**. He also questioned the wording on Page 2, No. 4 in regards to the word "verbal." He suggested that the Committee replace it with "threatening language."

REP. KOOPMAN responded that he would recommend segregating Page 2, Section 2, Sub-section 4. **REP. GALVIN-HALCRO** claimed that the bill needed a definition of harassment and if he segregated the amendments as suggested, there would be none.

REP. KOOPMAN was under the impression that the local school districts would define it for themselves. **REP. SONJU** was asked if that was what he had in mind also and he said his only question was with the word, "verbal."

REP. MCKENNEY informed **REP. GALVIN-HALCRO** that the chairperson of the Committee had discretion as to how a bill was handled. There are no rules that indicate a limit to one hearing though he wasn't recommending a second hearing. He suggested that one way to get the Committee and the public back involved would be to put the bill in a subcommittee for a couple days. A subcommittee has a public notice and then the people can come to that meeting and speak to the amendments.

REP. BUTCHER elaborated on the term "bully." He believed the schools are full of drugs which are highly illegal and there are substantial policies governing them but no one seems to be able to control the drugs in schools. Now the Committee is working on a policy to control abuse and he doesn't think it can be done. He believed the direction the Committee was going was absurd.

{Tape: 1; Side: B; Approx. Time Counter: 25.9 - 30}

{Tape: 2; Side: A}

REP. BUTCHER believed the control had to come from within the school system. He believed that the Committee could not stop the bullying situation. He wanted the students in the schools and

the district personnel to solve the problem. He didn't believe the bill could be cleaned up to satisfy anyone.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 4.5}

REP. ANDERSEN remarked that not a person in her legislative district had contacted her about the bill. She informed the Committee that writing a bully policy would be very difficult. She agreed that there is a need for one. She notified the Committee she could not support the amendments.

{Tape: 2; Side: A; Approx. Time Counter: 4.5 - 7}

REP. RASER agreed that there had been a great deal of talk about what the Committee might do. She felt that by raising the awareness of the situation, a lot had been done. The amount of bullying in her junior high astounded her. She felt the greater part of it was verbal. Her daughter verified that it had been going on when she was in middle school and that was a number of years ago. The REPRESENTATIVE felt that bullying definitely interrupts the educational process. She found it impossible to believe that a child would get in trouble for defending a child that was being bullied. She also disagreed with **REP. KOOPMAN** about not being able to enforce the policy because teachers would look the other way. If a teacher does not follow school policies, there can be reprimand and termination for the teacher. She believed the issue was about safety. During the hearing the opponents believed policies were in place in the districts, but it had been found that most districts don't have a policy. Opponents didn't like some of the wording in the bill, but the amendments have answered that opposition. She understood the concerns of **REP. SALES** and **REP. SONJU**. She respected **REP. MCKENNEY's** suggestion about putting the amendments in a subcommittee. She wanted the meeting advertised in the building and in the media so the public would have an opportunity to attend and testify.

REP. WINDHAM echoed **REP. SALES** concerns about the public not hearing the amendments. She liked **REP. MCKENNEY's** suggestion that the amendments be put in a subcommittee.

REP. GALVIN-HALCRO appointed **REPS. MCKENNEY, WINDHAM, SONJU** and **GALVIN-HALCRO** to make up the subcommittee. She scheduled the meeting for March 22, at 3:00 P.M. in room 137. She asked Ms. McClure to put the amendments in a gray bill for all who wanted to read it before the meeting.

Without objection, **REP. BRANAE** withdrew his motion to pass the amendments and then withdrew his motion to concur **SB 198**.

{Tape: 2; Side: A; Approx. Time Counter: 7 - 16.4}

ADJOURNMENT

Adjournment: 4:30 P.M.

REP. KATHLEEN GALVIN-HALCRO, Chairman

NINA ROATCH-BARFUSS, Secretary

KG/nb

Additional Exhibits:

EXHIBIT ([edh58aad0.PDF](#))